

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V.

1.8946 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; MAURO R.
GARCIA, JR., *ET AL.*

Defendants.

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CASE NO. 7:20-CV-026

**JOINT STIPULATION OF DISMISSAL AND AGREEMENT TO DISBURSE FUNDS
UNDER FED. R. CIV. P. 71.1(i)(1)(B)**

Plaintiff and Defendants file this stipulation of dismissal and agreement to disburse funds under Fed. R. Civ. P. 71.1 (i)(1)(B).

I. INTRODUCTION

1. Plaintiff is the United States of America (“Plaintiff”); named interested party and purported property owners are Mauro R. Garcia, Jr. and Olga Yolanda Garcia. ("Defendants").
2. On January 28, 2020, Plaintiff filed a Declaration of Taking (“Declaration”)¹ and Complaint² in Condemnation for a twelve (12) month temporary easement for real property identified as Tract No. RGV-RGC 5077 (hereinafter referred to as the “Property”). The interest and property are more particularly described in Schedules “C”, “D”, and “E” of the Declaration.³

¹ Dkt No. 2.

² Dkt No. 1.

³ Dkt No. 2.

3. On February 18, 2021, Plaintiff deposited one hundred and 00/100 dollars (\$100.00) into the Registry of the Court as estimated just compensation for the right of entry.⁴ Pursuant to 40 U.S.C. § 3 I 14 (b)(1), the filing and the deposit immediately vested title to the acquired property in the United States.

II. DISMISSAL

4. The Plaintiff, United States of America, and the Defendant, Mauro R. Garcia, Jr., pursuant to Fed. R. Civ. P. 71.1(i)(1)(B), stipulate to the dismissal of this case, without prejudice, each party to bear their own cost.

III. DISBURSEMENT

5. Plaintiff respectfully moves this Court to disburse the funds deposited in the Registry of the Court. On March 19, 2020, Plaintiff deposited one hundred and 00/100 dollars (\$100.00) into the Registry of the Court as estimated just compensation for the for the taking of the Estate in Schedule E of the Declaration of Taking.⁵
6. The Plaintiff and the Defendant respectfully move this Court to disburse the sum remaining in the Registry of the Court, one hundred and 00/100 dollars (\$100.00), plus any accrued interest thereon, payable to the order of “F&A Officer, USAED, Fort Worth.” The United States also respectfully request that the check reference Tract No. RGV-RGC 5077.

⁴ Dkt No. 7-1.

⁵ *Id.*

AGREED TO AS TO FORM AND SUBSTANCE:

FOR DEFENDANT, MAURO R. GARCIA, JR.:

KEVIN M. SANCHEZ

s/ Kevin M. Sanchez by permission
KEVIN M. SANCHEZ

FOR PLAINTIFF:

JENNIFER B. LOWERY

Acting United States Attorney
Southern District of Texas

By: *s/ Alexander N. DerGarabedian*
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CERTIFICATE OF SERVICE

I, Alexander N. DerGarabedian, Assistant United States Attorney for the Southern District of Texas, I mailed a true and correct copy of the foregoing document to the parties in this case by first-class U.S. mail, postage prepaid, on May 19, 2021.

By: *s/ Alexander N. DerGarabedian*
ALEXANDER N. DERGARABEDIAN
Assistant United States Attorney